

## Message Text

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TO AMEMBASSY PARIS

C O N F I D E N T I A L STATE 150357

EXDIS FOR ASST SEC MOOSE

FOLLOWING REPEAT USUN 2089 ACTION SECSTATE INFO BONN,  
CAPE TOWN, DAR ES SALAAM, GABORONE, JOHANNESBURG, LAGOS,  
LIBREVILLE, LONDON, SUSAKA, MAPUTO, OTTAWA, PARIS, AND  
PRETORIA DATED MAY 24, 1978.

QUOTE: C O N F I D E N T I A L USUN NEW YORK 02089

EXDIS

CAPE TOWN FOR EMBASSY

JOHANNESBURG FOR AMBASSADOR MCHENRY

E.O. 11652: GDS  
TAGS: PORG, SF, WA  
SUBJECT: NAMIBIA: PAPER FOR KAUNDA

1. CONTACT GROUP AGREED MAY 23 AD REFERENDUM ON DRAFT  
TEXT OF PAPER FOR PASSAGE TO ZAMBIAN  
PRESIDENT KAUNDA. AS REQUESTED BY KAUNDA DURING HIS  
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VISIT, THE PAPER PROVIDES RESPONSES TO SWAPO'S MAJOR  
CRITICISMS OF THE WESTERN FIVE PROPOSAL. PAPER  
SHOULD BE PASSED TO KAUNDA BY EMBASSY LUSAKA,  
ON BEHALF OF FIVE, AS SOON AS IT HAS BEEN  
APPROVED BY THE FIVE.

2. DRAFT TEXT FOLLOWS:

RESPONSES TO SWAPO'S MAJOR POINTS OF CRITICISM OF THE  
WESTERN FIVE PROPOSAL

SIZE OF PROPOSED UN PRESENCE IN NAMIBIA

SWAPO'S POSITION: SWAPO AGREES TO THE PROPOSED UNITED NATIONS TRANSITION ASSISTANCE GROUP (UNTAG) BUT INSISTS THAT UNTAG CONSIST OF A CIVILIAN COMPONENT OF "NO LESS THAN ONE THOUSAND PEOPLE" AND A MILITARY COMPONENT OF JZNO LESS THAN FIVE THOUSAND SOLDIERS". SWAPO ALSO INSISTS THAT THESE MINIMUM FIGURES BE INCLUDED IN ANY SETTLEMENT AGREEMENT.

RESPONSE: THE PROPOSAL STATES THAT THE UNITED NATIONS SPECIAL REPRESENTATIVE "WILL HAVE AT HIS DISPOSAL A SUBSTANTIAL CIVILIAN SECTION OF THE UNITED NATIONS TRANSITION ASSISTANCE GROUP, SUFFICIENT TO CARRY OUT HIS DUTIES SATISFACTORILY". IT ALSO CALLS FOR THE CREATION OF A MILITARY SECTION OF UNTAG "TO MAKE SURE THAT THE PROVISIONS OF THE AGREED SOLUTION WILL BE OBSERVED BY ALL PARTIES". THE PROPOSAL DOES NOT PROPOSE A SPECIFIC NUMERICAL SIZE FOR EITHER OF THESE TWO SECTIONS BUT PLACES AUTHORITY TO DETERMINE THEIR SIZE SOLELY IN THE HANDS OF THE UNITED NATIONS SECRETARY GENERAL. IN ADDITION, THE PROPOSAL ASSURES CONFIDENTIAL

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THAT "THE FIVE GOVERNMENTS, AS MEMBERS OF THE SECURITY COUNCIL, WILL SUPPORT THE SECRETARY GENERAL'S JUDGEMENT IN HIS DISCHARGE OF THIS RESPONSIBILITY".

THE PROPOSAL AVOIDS SPECIFYING A SIZE FOR UNTAG FOR TWO REASONS: (A) ONLY THE UNITED NATIONS HAS THE EXPERTISE NECESSARY TO DETERMINE ACCURATELY THE NUMBER OF UN PERSONNEL WHO WILL BE NEEDED TO CARRY OUT THE JOBS THAT THE UN WILL HAVE TO PERFORM; (B) THE SOUTH AFRICANS, WHILE WILLING TO ACCEPT A PROPOSAL WHICH LEAVES THE SIZE OF UNTAG TO THE SECRETARY GENERAL, WERE UNWILLING TO AGREE TO ONE WHICH SPECIFICALLY CALLED FOR A UN PRESENCE FAR OUTNUMBERING THE SOUTH AFRICAN RESIDUAL FORCE OF 1500.

EVERY PRELIMINARY ESTIMATE SO FAR MADE POINTS TO UNTAG, GIVEN ITS EXTENSIVE RESPONSIBILITIES, HAVING TO BE OF A SIZE WHICH WILL GUARANTEE THAT SWAPO'S CONCERNS ABOUT NUMBERS WILL BE MORE THAN ADEQUATELY MET.

WALVIS BAY

SWAPO'S POSITION: SWAPO MAINTAINS THAT WALVIS BAY IS AN INTEGRAL PART OF NAMIBIA AND THAT THE PROPOSAL SHOULD TREAT IT AS SUCH. SWAPO IS ALSO CONCERNED THAT THE ABSENCE OF SUCH A STATEMENT ON WALVIS BAY IN THE PROPOSAL WILL GIVE SOUTH AFRICA AN ADVANTAGE

IN ANY SUBSEQUENT NEGOTIATIONS OVER WALVIS BAS,  
B. RESPONSE: WALVIS BAY IS THE ONE ASPECT OF THE  
NAMIBIA QUESTION ON WHICH NEITHER SWAPO NOR SOUTH AFRICA  
IS WILLING TO BUDGE. BECAUSE OF THE STRENGTH OF FEELING  
OF BOTH PARTIES ON THIS TOPIC, THE FIVE RECOGNIZED THAT  
THE MATTER OF WALVIS BAY COULD NOT BE RESOLVED IN THE CON-  
TEXT OF AN OVERALL SETTLEMENT.

THE FIVE FEEL STRONGLY, HOWEVER, THAT THERE ARE COM-  
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PELLING GEOGRAPHIC, ECONOMIC, POLITICAL, ETHNIC AND  
ADMINISTRATIVE ARGUMENTS WHICH MUST BE CONSIDERED IN  
DETERMINING THE FUTURE OF WALVIS BAY. THEY BELIEVE THAT THE  
INTEGRITY AND VIABILITY OF THE INDEPENDENT STATE OF NAMIBIA  
CANNOT BE ASSURED WITHOUT THE INCLUSION OF WALVIS BAY.  
THE FIVE WILL PRESS FOR THE OPENING WITHOUT DELAY OF  
NEGOTIATIONS WITH A NAMIBIAN GOVERNMENT WITH -  
VIEW TO REACHING EARLY AGREEMENT THAT NAMIBIA HAS SOVER-  
EIGNTY OVER WALVIS BAY, AND THE FIVE WILL LEND THEIR  
FULL SUPPORT TO THE ATTAINMENT OF A SUCCESSFUL OUTCOME TO  
SUCH NEGOTIATIONS. THE FIVE ARE, THEREFORE, PREPARED TO  
COMMIT THEMSELVES FIRMLY TO THIS COURSE OF ACTION IN THE  
SECURITY COUNCIL, EITHER THROUGH A DECLARATION OR THROUGH  
SUPPORT OF A RESOLUTION TO THE SAME EFFECT.

#### LOCATION OF TROOPS

-. SWAPO POSITION: SWAPO HAS NOT ACCEPTED THE PROVISION  
OF THE SETTLEMENT PROPOSAL WHICH CALLS FOR LOCATION OF THE  
SOUTH AFRICAN RESIDUAL FORCE OF 1,500 AT GROOTFONTEIN OR  
OSHIVELLO OR BOTH. INSTEAD THEY HAVE ARGUED THAT THE  
1,500 MUST BE LOCATED AT KARASBURG, IN EXTREME SOUTHERN  
NAMIBIA. NUJOMA HAS ALSO INSISTED THAT ANY SOUTH AFRICAN  
FORCES REMAINING IN WALVIS BAY SHOULD BE INCLUDED IN THE  
1,500 RESIDUAL FORCE.

B. RESPONSE: THE PROPOSAL EMPHASIZES THAT THE SOUTH  
AFRICAN RESIDUAL FORCE WILL BE CONFINED TO BASE AND SUBJECT  
TO CLOSE MONITORING BY UN TROOPS. UNDER THESE CIRCUMSTANCES  
THE SOUTH AFRICAN SOLDIERS WOULD BE UNABLE TO INTERFERE  
WITH THE TRANSITION PROCESS. THE PROPOSAL CALLS FOR THE  
STATIONING OF THE RESIDUAL FORCE SOUTH OF THE NORTHERN BORDER  
AREA AT GROOTFONTEIN OR OSHIVELLO OR BOTH; HOWEVER,  
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THE LOCATION OF THAT FORCE FARTHER SOUTH WOULD BE SEEN BY  
THE SOUTH AFRICANS AS TANTAMOUNT TO HAVING NO RESIDUAL  
\*94:3 -,\$ 297)\$ 5#343\*943 ?3 7,-::305-?)3. IN ANY EVENT,  
WITH THE REQUIRED UN SAFEGUARDS, THE PRACTICAL DIFFERENCE

BETWEEN GROOTFONTEIN AND KARASBURG SEEMS MINIMAL. WITH REGARD TO SOUTH AFRICAN FORCES IN WALVIS BAY, THE FIVE DO NOT AGREE THAT THEY SHOULD BE COUNTED AGAINST THE 1,500 TOTAL NOR THAT THOSE FORCES COULD INFLUENCE THE NAMIBIAN ELECTIONS. SOUTH AFRICA HAS AGREED THAT THEIR FORCES IN WALVIS BAY (WHICH NUMBER 1200-1500) WILL NOT BE INCREASED IN SIZE. ANY BUILDUP OF THOSE FORCES WOULD QUICKLY BECOME EVIDENT TO THE UN. SWAPO FURTHER ARGUES THAT SOUTH AFRICA COULD USE ITS EXISTING FORCES IN WALVIS BAY TO SPEARHEAD AN INVASION OF NAMIBIA. CLEARLY SOUTH AFRICA'S LONG RANGE MILITARY CAPABILITIES MAKE IT UNNECESSARY FOR SOUTH AFRICA TO DEPEND ON FORCES IN WALVIS BAY IN ORDER TO INVADE NAMIBIA. SOUTH AFRICA WILL BE DETERRED FROM INVADING NAMIBIA, NOT BY DENIAL OF WALVIS BAY, BUT BY THE VERY TERMS OF THE SETTLEMENT AND THE CERTAIN INTERNATIONAL CONDEMNATION WHICH WOULD RESULT FROM A SOUTH AFRICAN VIOLATION OF THE SETTLEMENT'S CEASEFIRE PROVISION.

#### POLICE

A. SWAPO POSITION: SWAPO BELIEVES THAT THE POLICE IN NAMIBIA SHOULD BE DISARMED AND PLACED UNDER THE OPERATIONAL CONTROL OF THE UN SPECIAL REPRESENTATIVE.

B. RESPONSE: THE PROPOSAL PLACES PRIMARY RESPONSIBILITY FOR MAINTAINING LAW AND ORDER DURING THE TRANSITIONAL PERIOD IN THE HANDS OF THE EXISTING POLICE FORCES. THE PROPOSAL ALSO PROVIDES FOR THE SPECIAL REPRESENTATIVE TO "MAKE ARRANGEMENTS WHEN APPROPRIATE FOR UNITED NATIONS PERSONNEL TO ACCOMPANY THE POLICE FORCES IN THE DISCHARGE OF THEIR DUTIES." SURELY THIS IS ADEQUATE TO PREVENT ANY INTERFERENCE OR MISCONDUCT BY THE POLICE. IN ADDITION, CONFIDENTIAL

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THE PROPOSAL STATES: "THE ADMINISTRATOR GENERAL TO THE SATISFACTION OF THE UNITED NATIONS SPECIAL REPRESENTATIVE SHALL ENSURE THE GOOD CONDUCT OF THE POLICE FORCES AND SHALL TAKE THE NECESSARY ACTION TO ENSURE THEIR SUITABILITY FOR CONTINUED EMPLOYMENT DURING THE TRANSITION PERIOD." HERE AGAIN THE REQUIRED SATISFACTION OF THE SPECIAL REPRESENTATIVE IS SPECIFICALLY UNDERLINED. WITH REGARD TO THE WEAPONS WHICH THE POLICE ARE ALLOWED TO CARRY, THE PROPOSAL REQUIRES THAT THE POLICE "BE LIMITED TO THE CARRYING OF SMALL ARMS IN THE NORMAL PERFORMANCE OF THEIR DUTIES." THIS PROVISION WAS INCLUDED AT SWAPO'S REQUEST. WITH THE CLOSE UN MONITORING TO WHICH THE POLICE WILL CLEARLY BE SUBJECTED, THERE SEEMS LITTLE LIKELIHOOD OF ABUSE OF THE SMALL ARMS REQUIREMENT OR THE SMALL ARMS THEMSELVES. RELATIONSHIP BETWEEN THE SPECIAL REPRESENTATIVE AND THE ADMINISTRATOR GENERAL

A. SWAPO'S POSITION: SWAPO MAINTAINS THAT THE UN SPECIAL REPRESENTATIVE MUST HAVE A CLEARLY-EXPRESSED VETO POWER OVER THE ACTIONS OF THE SOUTH AFRICAN ADMINISTRATOR GENERAL. SWAPO HOLDS THAT THE ROLE OF THE UN SPECIAL REPRESENTATIVE MUST BE CLEARLY "SUPERIOR" TO THAT OF THE ADMINISTRATOR GENERAL.

B. RESPONSE: THE PROPOSAL STATES THAT "THE UNITED NATIONS SPECIAL REPRESENTATIVE WILL HAVE TO SATISFY HIMSELF AT EACH STAGE AS TO THE FAIRNESS AND APPROPRIATENESS OF ALL MEASURES AFFECTING THE POLITICAL PROCESS AT ALL LEVELS OF ADMINISTRATION BEFORE SUCH MEASURES TAKE EFFECT." IN OTHER WORDS, NO MEASURES AFFECTING THE POLITICAL PROCESS CAN TAKE EFFECT UNLESS THE SPECIAL REPRESENTATIVE APPROVES THEM FIRST.  
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THIS AMOUNTS IN PRACTICE TO A VETO. THUS THERE IS NO SUBSTANTIVE DIFFERENCE BETWEEN SWAPO'S INSISTENCE ON VETO POWER AND THE PROPOSAL. THERE IS SIMPLY A DIFFERENCE IN LANGUAGE. WORDS SUCH AS "SUPERIOR" "VETO" OR "APPROVAL" ARE POLITICALLY UNACCEPTABLE TO THE SOUTH AFRICANS, AS THEY REOPEN THE LEGAL CONTROVERSIES WHICH HAVE PREVENTED A SETTLEMENT FOR MORE THAN THIRTY YEARS. THEREFORE, WHEREVER POSSIBLE, THE FIVE HAVE ATTEMPTED, IN DESIGNING THE RELATIONSHIP BETWEEN THE SPECIAL REPRESENTATIVE AND THE ADMINISTRATOR GENERAL, TO AVOID LANGUAGE WHICH IS DIFFICULT FOR ONE SIDE OR THE OTHER. IT IS THE SUBSTANCE WHICH IS IMPORTANT NOT THE INCLUSION OF SPECIFIC CODE WORDS. YOUNG UNQUOTE CHRISTOPHER

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